IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

Crl.MC.No. 3226 of 2007()

ST.2097/2003 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

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PETITIONER:

I.J.KURUVILA, PROPRIETOR, AGED 52
YEARS, J.K.RUBBERS, ILLIPPARAMBIL HOUSE,
KURUPPAMPADY P.O., PERUMBAVOOR.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS:

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1. JOSEPH, S/O.JOHN, PANTHAPLACKAL VEEDU,
CUTTING KARA, AYYAMPUZHA VILLAGE,
ALUVA TALUK.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.ANTU
R2 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3226 of 2007

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Dated this the 19th day of October, 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the N.I. Act. He faces the sentence of imprisonment till rising of court and to pay compensation. There is a default sentence also.

2. The compensation amount has been paid directly to the complainant, submits the learned counsel for the petitioner as also the learned counsel for the respondent. It is prayed that the composition may be accepted and the verdict of guilty, conviction and sentence set aside.

3. After discussions at the Bar, the learned counsel for the petitioner only submits that identical directions as were issued in the common order dt.18.10.2007 in Crl.M.C.Nos. 3220, 3221 and 3222 of 2007 may be issued in this case also. I am satisfied that the said request can be accepted.

4. This Crl.M.C. is accordingly dismissed, but with the observation that the petitioner/accused and the respondent/ complainant can appear before the learned Magistrate and report to

the learned Magistrate that the compensation amount has already been paid and the said liability has been discharged. Thereupon, if satisfied, the learned Magistrate shall only proceed to execute the substantive sentence of imprisonment till rising of court. Default sentence shall not be executed.

(R. BASANT)
Judge

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